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Chairperson: Mr. Penke (Latvia)

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The meeting was called to order at 10.20 a.m.

Agenda item 64: Report of the Human Rights Council *(continued)* (A/C.3/64/L.63)

Draft resolution A/C.3/64/L.63: Office of the President of the Human Rights Council

1. **Ms. Kholi** (Switzerland) introduced draft resolution A/C.3/64/L.63 on behalf of its sponsors, which had been joined by Argentina, France, Jordan, Liechtenstein, New Zealand and Nigeria. She said that the President of the Human Rights Council required additional support, as the Council had noted in its decision 9/103 on the strengthening of the Human Rights Council. In that decision, the Council had recommended that the General Assembly ensure the establishment of an Office of the President of the Human Rights Council. As the Fifth Committee, at the sixty-third session, had not made the necessary appropriations for the creation of that Office, the draft text, which Switzerland hoped would be adopted by consensus at the following session, represented a compromise, following extensive consultations, which should pave the way for the establishment of the Office. While delegations had agreed that the President of the Council required more effective support, they had wished to examine further the modus operandi of the Office.

2. **The Chairperson** said that Romania and Somalia had also joined the sponsors of the draft resolution.

Agenda item 69: Promotion and protection of human rights *(continued)*

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)*

Agenda item 61: Social development *(continued)* (A/C.3/64/L.37)

Draft resolution A/C.3/64/L.37: Situation of human rights in the Islamic Republic of Iran

3. **Mr. McNee** (Canada) noted a continuing deterioration in the situation of human rights in the Islamic Republic of Iran since the adoption by the General Assembly of resolution 63/191, particularly following the presidential election of 12 June 2009. The 41 sponsors had not taken lightly the decision to introduce the draft resolution, and every effort had been made to produce an accurate text reflecting events that had taken place during the year. The sponsors all hoped that the day would come when such resolutions would no longer be necessary, because the Iranian Government would be willing to abide by its human rights obligations, or at least would recognize that, like all nations, it faced human rights challenges. The claims of the Government of the Islamic Republic of Iran that cooperation was preferable to resolutions lacked credibility, because its behaviour, recalled in paragraphs 5 and 6 of the draft resolution, did not reflect any willingness to cooperate with relevant international mechanisms. As long as Iranian citizens themselves could not address human rights issues without fear of persecution, the Third Committee, which was the only body with universal membership responsible for addressing those issues at the international level, could not overlook the continued violations of fundamental rights in the Islamic Republic of Iran. Accordingly, Canada urged all delegations to vote in favour of the draft resolution.

4. **Mr. Khazaee** (Islamic Republic of Iran) noted that the Government of Canada was persisting, for the seventh consecutive year, to divert the Third Committee from the purpose of its work by putting forward a highly politicized draft resolution that reflected its animosity towards the Islamic Republic of Iran. The Third Committee should refuse to engage in such political games, which turned human rights — one of the highest human aspirations — into a crude tool for promoting the foreign policy of certain States. Selectivity, politicization and the application of double standards had given rise to confrontation and polarization, which undermined the ability of the United Nations to effectively promote human rights.

5. That was demonstrated by the fact that a few countries, including Canada, the main sponsor of the draft resolution under consideration, had voted against the draft resolution on the report of the United Nations Fact-Finding Mission on the Gaza Conflict, and that the sponsors of the draft resolution themselves had indefensible records when it came to human rights. In fact, objective information from reliable sources, such as intergovernmental organizations, treaty bodies of the United Nations and non-governmental organizations, showed that Canada was not living up to its international human rights obligations. The sources pointed to systematic violations, including discriminatory and abusive measures against its indigenous people, immigrants and minorities, as well as police violence. It was a sad irony that the list of

sponsors of the draft resolution included the Israeli regime, whose very creation and existence were intertwined with the worst forms of human rights violations.

6. Some information contained in the draft resolution was erroneous, as it was contradicted in particular by the report of the Secretary-General (A/64/357), which Canada would have been well-advised to study more attentively. For example, the allegations made in paragraph 2 came from unreliable sources, and paragraph 3 painted an entirely erroneous picture of the presidential election of 12 June 2009. There had been a record 85 per cent turnout for the election and, thanks to existing mechanisms, the rights of both voters and candidates had been protected and guaranteed. With regard to paragraph 5, the Islamic Republic of Iran was surprised by the failure to recognize its genuine cooperation with the Office of the United Nations High Commissioner for Human Rights and with special procedures mandate holders of the Human Rights Council. Moreover, the Islamic Republic of Iran was particularly surprised to note that it was being called upon, pursuant to its obligations, to report to the treaty bodies of the instruments to which it was party. His country had already done so, however, since it had recently submitted its periodic reports on the implementation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The Islamic Republic of Iran had also submitted its universal periodic review report, which the Human Rights Council would consider in February 2010. Lastly, paragraph 3 (g) of the draft resolution implicitly requested the granting of a form of diplomatic immunity to local employees of foreign embassies. Such a request had no legal basis nor did it have any relevance to human rights issues.

7. The Government of the Islamic Republic of Iran was more aware than anyone of its responsibilities and was committed to observe and implement the provisions of its Constitution, including the obligations arising from relevant international instruments. Its human rights policies had always focused on interaction and cooperation in order to build national capacities and to encourage constructive participation in national and international promotional activities. The Government of the Islamic Republic of Iran was also engaged in the process of creating and strengthening monitoring mechanisms to ensure the realization of human rights, democracy and development, as well as the existence of a representative, transparent and accountable Government.

8. Recalling that no Government could claim to be perfect, he invited delegations to oppose the manipulation of human rights and existing protection mechanisms. Delegations should maintain the dignity, credibility and legitimacy of those mechanisms by voting against the draft resolution. The Islamic Republic of Iran had requested a recorded vote on the draft resolution.

9. **Mr. Ja'afari** (Syrian Arab Republic), speaking on behalf of the States members of the Organization of the Islamic Conference, explained that he opposed the practice of introducing country-specific resolutions that selectively targeted developing and Muslim countries for political reasons. That practice led to the extreme politicization of the work of human rights bodies and in no way served the stated cause.

10. The situation of human rights in the Islamic Republic of Iran did not justify the introduction of a draft resolution targeting that country in particular, given that it had always been prepared to engage in dialogue and cooperation in order to promote human rights. It was also regrettable to note the selectivity shown by the sponsors of the draft resolution under consideration, despite such goodwill and the positive developments that had occurred in the Islamic Republic of Iran. All States should therefore agree to oppose the draft resolution.

11. **Mr. Hassan** (Sudan) said that the draft resolution targeted the Islamic Republic of Iran in a selective manner. The Human Rights Council was the competent body to address such issues and should play its role in a strictly neutral, impartial and non-selective manner through dialogue with the countries concerned. The politicization of human rights was counterproductive and only heightened tensions. In keeping with its position of principle, the Sudan would vote against the draft resolution.

12. **Ms. Pérez Álvarez** (Cuba), speaking in explanation of vote before the voting, said that her country was strongly opposed to country-specific draft resolutions designed to single out certain countries of the South for political reasons unrelated to the protection of human rights. The harmful practice of selectivity, double standards and politicization in the

monitoring of human rights was responsible for discrediting the Commission on Human Rights, which had led to its demise. The only way to promote and defend human rights effectively was to promote genuine international cooperation based on the principles of objectivity, impartiality and non-selectivity. The Human Rights Council, thanks in particular to its universal periodic review mechanism, was able to study the situation of human rights in all countries on an equal footing and as part of a constructive dialogue. Since the draft resolution under consideration was politically motivated and sought to put pressure on the Islamic Republic of Iran, Cuba would vote against it.

13. **Mr. Beck** (Solomon Islands), speaking in explanation of vote before the voting, said that his country remained loyal to the principles contained in General Assembly resolution 60/251. His delegation believed that the Human Rights Council was the appropriate body to address the issue under consideration and that the universal periodic review mechanism should receive unanimous support. Country-specific resolutions adopted by bodies outside Geneva were divisive and counterproductive. It was important to accord human rights issues the importance that they deserved, to end the "naming and shaming" of certain countries, and to abandon confrontation in favour of genuine dialogue and cooperation. It was also important to maintain the impartiality of the Human Rights Council. The Solomon Islands, which rejected selectivity, double standards and the politicization of human rights, would therefore abstain from voting on the draft resolution.

14. **Mr. Ja'afari** (Syrian Arab Republic) reiterated his country's position of principle against any interference in the domestic affairs of a State on the pretext of defending human rights. The principle of the sovereign equality of all Member States was clearly articulated in the Charter of the United Nations. Understanding and an objective dialogue based on mutual respect for national sovereignty and territorial integrity, as well as non-selectivity and transparency, would bridge the gap between divergent opinions, strengthen cooperation and ensure the universal enjoyment of human rights and fundamental freedoms, while drawing the requisite attention to national, regional and cultural specificities. Human rights issues should be considered by the appropriate body — the Human Rights Council — and not by the Third Committee. In that connection, the Islamic Republic of Iran had recently submitted to the Human Rights Council its universal periodic review report, an instrument which Member States had endorsed upon the creation of the Council.

15. The persistent submission of country-specific draft resolutions on human rights for political reasons that were known to all undermined the credibility of international organizations and human rights instruments. That was particularly true in the current case, where Israel had joined the sponsors of a draft resolution on human rights at a time when a draft resolution on the Goldstone report — which had noted serious violations of the fundamental rights of the Palestinian people committed by Israel during its aggression against Gaza — had just been adopted. Human rights issues must be considered in a spirit of encouragement, understanding and dialogue, without any State being defamed for reasons unrelated to the protection of human rights. The Syrian Arab Republic urged other delegations to oppose such texts, which reflected double standards in the consideration of human rights issues. It would vote against the draft resolution.

16. **Mr. Abubaker** (Libyan Arab Jamahiriya) said that he regretted the insistence of some States on introducing politically motivated country-specific draft resolutions on the pretext of defending human rights when they themselves applied policies that were contrary to international human rights law. The Libyan Arab Jamahiriya opposed that practice and the use of the Third Committee for political purposes that were contrary to the sovereignty of States, particularly given that the Human Rights Council had been established to consider all matters relating to the promotion and protection of human rights. Stressing the importance of non-interference in the internal affairs of States, he said that the Libyan Arab Jamahiriya would vote against the draft resolution. However, that vote should not be interpreted as support for human rights violations anywhere in the world.

17. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that her country strongly opposed the practice whereby some Member States continued to censure certain States selectively on the pretext of their human rights records. Country-specific draft resolutions served specific political interests and maintained a strategic confrontation, which was undesirable. The Governments of the draft resolution's sponsors had themselves committed human rights

violations, yet they had not been subject to such resolutions. The Human Rights Council had been established to examine such cases and the universal periodic review guaranteed an impartial, objective and non-selective study of the human rights situation in every country. Furthermore, any measure adopted by the United Nations to promote and defend human rights should be based on international cooperation and dialogue among States. For all those reasons, the Bolivarian Republic of Venezuela would vote against the draft resolution and urged all delegations to follow suit in order to prevent the manipulation of human rights, which undermined efforts to promote such rights.

18. *A recorded vote was taken on the draft resolution as a whole.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bangladesh, Belarus, China, Comoros, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Myanmar, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Senegal, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, Tuvalu, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Colombia, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Gambia, Georgia, Ghana, Grenada, Guatemala, Guyana, Haiti, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Malawi, Mali, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Paraguay, Philippines, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sierra Leone, Singapore, Solomon Islands, South Africa, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Zambia.

19. *Draft resolution A/C.3/64/L.37 was adopted by 74 votes to 48, with 59 abstentions.*

20. **Mr. Perez** (Brazil), noting that his country had abstained, encouraged the Islamic Republic of Iran to cooperate with the Human Rights Council and the other United Nations entities responsible for the protection and promotion of human rights. In that regard, the Human Rights Council should seek to create an atmosphere conducive to constructive dialogue and cooperation in order to improve the human rights situation around the globe. Certain aspects of the human rights situation in the Islamic Republic of Iran that had been raised in the Secretary-General's report on the issue (A/64/357) remained a source of concern, including the rights of minorities, particularly those of the Baha'i community. While it had made some progress on social, economic and cultural rights, the Islamic Republic of Iran must do more to promote the rights of women, strengthen freedom of speech and protect students, journalists, human rights defenders and local embassy staff from arbitrary detention and persecution. A constructive dialogue on the issue could take place when the Iranian Government submitted its universal periodic review report.

21. **Mr. Yahiaoui** (Algeria) said that his delegation traditionally voted against country-specific draft resolutions because they were based on selectivity and politicization and maintained a climate of confrontation that was detrimental to the cause of human rights. In Algeria's view, the universal periodic review was the appropriate mechanism to examine the human rights situation in all countries without exception; only cooperation based on sincere dialogue would foster human rights protection. Accordingly, that mechanism must aim to help States achieve better results in human rights promotion and protection.

22. **Ms. Taracena Secaira** (Guatemala) said that respect for human rights, in particular the provisions of the relevant international instruments, was one of the pillars of her country's foreign policy. In that context, Guatemala was concerned by the setbacks in the area of civil and political rights mentioned in the Secretary-General's report on the situation of human rights in the Islamic Republic of Iran (A/64/357). Nevertheless, her delegation had noted the information conveyed by the Iranian authorities, particularly the fact that their country would participate in the universal periodic review. For those reasons, Guatemala had abstained from the vote on the draft resolution and would await the outcome of the universal periodic review before taking a position.

23. **Ms. Velichko** (Belarus) explained that her country had voted against draft resolutions A/C.3/64/L.35, L.36* and L.37 because it considered that country-specific draft resolutions, which Belarus had itself been subject to, were contrary to the principles of objectivity and non-selectivity that should govern the consideration of human rights issues. Through the universal periodic review, the United Nations was able to analyse the human rights situation in all countries effectively while fostering dialogue, and to encourage Governments to strengthen national mechanisms and adopt a responsible attitude. Human rights promotion must be based on equitable constructive dialogue, not on selective draft resolutions that sowed discord.

24. **Mr. Ahmed** (Bangladesh), explaining his country's position on the draft resolution, said that he was disturbed by the information that indicated a deterioration in the human rights situation in the Islamic Republic of Iran, particularly regarding the detention of members of the opposition following the presidential elections of 12 June 2009. Bangladesh encouraged the Islamic Republic of Iran to meet its human rights obligations. In that regard, it was more effective to seek to improve respect for human rights by maintaining dialogue with the countries concerned than by adopting resolutions that targeted them. Bangladesh had therefore been compelled to vote against the draft resolution. Its vote should not, however, be taken as a show of support for the conduct of the Islamic Republic of Iran in the area of human rights.

25. **Mr. Okuda** (Japan) explained that his country had voted in favour of the draft resolution because it was necessary to continue improving the human rights situation in the Islamic Republic of Iran. He shared the concerns expressed in the draft resolution regarding restrictions on the media and the legal proceedings brought against employees of foreign embassies after the presidential elections of June 2009.

26. Several years earlier, the Iranian and Japanese Governments had opened a bilateral dialogue on human rights in which the Islamic Republic of Iran participated actively. The Iranian Government had even proposed projects for cooperation, including on judicial reform. Japan commended that country's willingness to adopt an approach based on cooperation and to move forward. He also welcomed its ratification in 2008 of the Convention of the Rights of Persons with Disabilities. For those reasons, Japan had not sponsored the draft resolution. It would actively pursue the dialogue and cooperation undertaken with the Islamic Republic of Iran in order to ensure that human rights were more fully respected there.

27. **Mr. Gatan** (Philippines) explained that his country had abstained during the votes on draft resolutions A/C.3/64/L.35, L.36* and L.37. Recalling the position adopted by the Heads of State of the non-aligned countries at the summit meeting held in Egypt in July 2009, he invited the General Assembly to evaluate how effective country-specific resolutions had actually been in encouraging the Governments concerned to improve their human rights records. Through the establishment of the Human Rights Council and the universal periodic review, the General Assembly had shown that there were better ways of addressing human rights issues. The Philippines therefore urged the Assembly to continue along that path and to eschew country-specific resolutions in favour of a constructive approach based on dialogue and the provision of assistance.

28. **Mr. Khane** (Secretary of the Committee) pointed out to the representative of the Philippines that his statement should have pertained only to the draft resolution that had just been adopted.

29. **Mr. Gatan** (Philippines) expressed surprise that the Secretary had not made the same remark to the representative of Belarus.

30. **Mr. Khazaee** (Islamic Republic of Iran), thanking the delegations that had voted against the draft resolution or had abstained from the vote, welcomed the fact that the majority of Member States had not supported the resolution and noted that measures must be taken to prevent the misuse of the United Nations by certain countries.

Agenda item 61: Social development (*continued*)

(a) Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (*continued*) (A/C.3/64/L.9/Rev.1)

Draft resolution A/C.3/64/L.9/Rev.1: Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly

31. **The Chairperson** said that the draft resolution did not have any programme budget implications.

32. **Mr. Hassan** (Sudan), introducing the draft resolution on behalf of its sponsors, which had been joined by Belgium, Montenegro, Portugal, Sweden, Switzerland and the former Yugoslav Republic of Macedonia, pointed out that the text focused on the main areas of action set out at the World Summit for Social Development. The draft resolution, which would ensure an ongoing global dialogue and a continued commitment to social development, provided a general framework to promote social development for all at the national and international levels. It also called for a study of the impact of various crises on social development. The sponsors hoped that the draft resolution would be adopted by consensus.

33. **Mr. Khane** (Secretary of the Committee) announced that Albania, Andorra, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland had also become sponsors.

34. *Draft resolution A/C.3/64/L.9/Rev.1 was adopted without a vote.*

35. **Mr. Sammis** (United States of America) said that, while he welcomed the adoption by consensus of the draft resolution, he regretted that it did not contain a more balanced analysis of the impact of external as well as internal factors on sustainable development. While external factors, such as crises or oil shocks, could affect countries' socio-economic development, the national policies applied by their Governments had the most decisive impact.

(b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*) (A/C.3/64/L.8/Rev.1)

Draft resolution A/C.3/64/L.8/Rev.1: Proclamation of 2010 as International Year of Youth: Dialogue and Mutual Understanding

36. **The Chairperson** informed the Committee that the draft resolution contained no programme budget implications.

37. **Mr. Hassan** (Sudan) noted that Mexico, the Russian Federation and Turkey had joined the sponsors of the draft resolution, which reaffirmed the commitment of countries to young people and helped to foster dialogue and mutual understanding on issues of relevance to them. The sponsors hoped that the draft resolution would be adopted by consensus.

38. **Mr. Khane** (Secretary of the Committee) announced that Belarus had joined the list of sponsors.

39. **Ms. Park** Enna (Republic of Korea), seeking clarification on a procedural issue, asked whether there were any guidelines for the proclamation of international days and, if so, what the main elements were. She also wished to know whether the draft resolution under consideration complied with the guidelines, if any, and, if not, whether the Third Committee had the competence to disregard them.

40. **Mr. Khane** (Secretary of the Committee) said that guidelines had indeed been adopted by the Economic and Social Council and then by the General

Assembly in its resolution 35/424. Referring to paragraphs 7 and 11 of that text, he said that those guidelines were not mandatory. Hence, the adoption of the draft resolution would not be in violation of the guidelines. However, it must also be acknowledged that such action would not be in keeping with the spirit of those guidelines.

41. **Mr. Jomaa** (Tunisia) pointed out that Tunisia had already provided a similar explanation when the issue had been raised during informal consultations. Member States were striving to comply with the guidelines, particularly with regard to paragraphs 7 and 16. However, it was ultimately their responsibility to make the final decision, given the urgency and specificities of the situation. He was convinced that the draft resolution complied with the guidelines, given the many examples of international years that had been proclaimed in the six months prior to their commencement.

42. *Draft resolution A/C.3/64/L.8/Rev.1 was adopted without a vote.*

43. **Ms. Park** Enna (Republic of Korea) said that her country was firmly committed to youth development and to disseminating the ideals of peace and respect for human rights and fundamental freedoms. Her delegation therefore supported the spirit of the draft resolution. However, holding the International Year in 2010 would leave very little time to define its objectives, make the necessary preparations or mobilize youth and youth movements, whose participation was vital. The Republic of Korea regretted the fact that its proposal to hold the International Year in 2012 had not been adopted. Despite its disappointment, the Republic of Korea had joined the consensus and would do its utmost to ensure that the initiative was productive. It was also very important that the world conference to be held under the auspices of the United Nations should be a genuine success. The modalities for organizing the conference should therefore be determined following open and transparent consultations among Member States. It should be noted that the conference did not necessarily need to be held before the end of the International Year.

44. **Mr. Michelsen** (Norway) explained the position of the following countries after the vote: Andorra, Belgium, Bulgaria, Denmark, Czech Republic, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Netherlands, New Zealand, Norway, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America. Youth development and the active participation of young people in activities and decisions concerning them were long-standing priorities of all those States. While Norway was supporting the consensus, it wanted to draw the attention of the Third Committee to General Assembly resolution 61/185, which recalled the guidelines for future international years and stressed the need to respect the criteria and procedures contained therein. However, in the current case, the provisions of paragraph 11 of those guidelines had not been respected. As the International Year was commencing in 2010, there might be insufficient time for preparatory work at both the national and the international levels. Moreover, youth movements had not been duly consulted, which was at odds with the desire for dialogue and mutual understanding that should be the hallmark of the International Year. Norway trusted that the President of the General Assembly would take into account the need to consult youth movements when organizing informal consultations on the world conference.

45. **Mr. Jomaa** (Tunisia) expressed his appreciation to countries for their contributions and extended his thanks to all delegations for their constructive spirit, which had allowed the adoption of the draft resolution by consensus. Given that the text was the product of lengthy and numerous consultations conducted in an open and transparent manner, it was regrettable that some delegations had chosen to raise procedural issues. The draft resolution took into account the importance that States attached to youth, to raising their awareness about issues of concern to them and to promoting dialogue and mutual understanding in order to better secure the shared values of tolerance, peace and freedom. Tunisia urged all Member States to help achieve the noble goals set for the International Year of Youth, to place youth once again at the centre of the international community's priorities and to mobilize youth to make the International Year a success.

46. **The Chairperson** suggested that the Third Committee should take note, in accordance with General Assembly decision 55/488, of the document entitled "World Social Situation 2009: Overview" (A/64/158 and Corr. 1).

47. *It was so decided.*

Agenda item 64: Report of the Human Rights Council *(continued)* (A/C.3/64/L.50)

Draft resolution A/C.3/64/L.50, Guidelines for the Alternative Care of Children

48. **The Chairperson** said that the draft resolution contained no programme budget implications.

49. **Mr. Khane** (Secretary of the Committee) announced that the following countries had joined the list of sponsors: Albania, Austria, Azerbaijan, Belarus, Benin, Comoros, Dominican Republic, Egypt, Honduras, Italy, Netherlands, Peru, Portugal, Republic of Moldova, Switzerland and Turkey.

50. **Mr. Perez** (Brazil) noted that the following countries had joined in sponsoring the draft resolution since its introduction: Angola, Bolivia (Plurinational State of), Colombia, Costa Rica, Finland, Philippines, Seychelles and Venezuela (Bolivarian Republic of). He read out an amendment to the end of paragraph 1 that had been requested by several delegations, which consisted of replacing the words "for policy and practice" by "to help inform policy and practice". In its resolution 11/7, the Human Rights Council had adopted by consensus the guidelines contained in the annex to the present draft resolution, and had decided to submit them to the General Assembly. According to the United Nations Study on Violence against Children, more than 8 million girls and boys around the world lived in institutional care. The guidelines were designed to promote the protection, development and well-being of children deprived of parental care in a stable and safe environment. By adopting the draft resolution, Member States would send a clear message of their commitment to promote the fundamental rights of the child. On the occasion of the twentieth anniversary of the Convention on the Rights of the Child, Brazil hoped that the draft resolution would be adopted by consensus.

51. **Mr. Khane** (Secretary of the Committee) announced that the following delegations had joined the list of sponsors of the draft resolution: Bosnia and Herzegovina, Cape Verde, El Salvador, Netherlands, Nicaragua, Serbia, Slovenia, Ukraine and United Republic of Tanzania.

52. **Ms. Edblom** (Sweden), speaking on behalf of the European Union, said that the twentieth anniversary of the Convention on the Rights of the Child should act as a catalyst for the implementation of that landmark instrument. The European Union was strongly committed to the full exercise of the rights of the child and hoped that the guidelines would contribute towards that goal. Even though Member States were not adopting the guidelines formally, they welcomed them, in the hope that their use in practice would lead to a real improvement in protecting the rights of those children deprived of parental care.

53. **Mr. Last** (United Kingdom), recalling the firm commitment of his country to promoting the rights of the child around the world, said that his country agreed with the purpose of the guidelines, which provided a non-binding tool to help inform States about the different forms of care available to children. While the United Kingdom supported the draft resolution and recognized that the Third Committee was not adopting the guidelines, it nevertheless had some concerns. With regard to paragraph 35, it did not seem possible to guarantee that pregnant teenagers would not interrupt their studies. Moreover, teenage parents could not be coerced to continue their studies, because it was up to each individual to decide. Concerning paragraph 47, it should be borne in mind that certain offences were so serious that they justified a custodial sentence; and it was not always in the best interests of the child to remain with a delinquent parent. With respect to paragraph 68, it was not an acceptable form of alternative child care to accord quasi-parental rights to any person who happened to take care of a child without an enquiry or a court decision. Under English law, parental responsibility could only be acquired by operation of law or by court order. Furthermore, the wording of paragraph 80 did not reflect British and European legislation on data protection. Finally, with regard to paragraph 110, record sharing needed to respect the right to privacy of all those to whom the records related. The rights of children could not supersede those of adults.

54. **Mr. Sammis** (United States of America) said that his country was determined to protect the well-being and rights of children worldwide and welcomed the spirit of the guidelines, which offered useful policy orientations. However, his country was concerned by their overly broad scope and wished to point out that the guidelines were not binding on States. Instead, they contained recommendations which States could use to develop policies for children deprived of parental care.

55. **Ms. Horsington** (Australia) said that her country agreed with the principles of the guidelines, which took

into account the obligations arising from the Convention on the Rights of the Child. Furthermore, the measures taken by Australia to provide alternative care for children deprived of parental care reflected the spirit of the guidelines. Australia had recently established a national framework for the protection of children, while the federal Government was working to develop new standards to reflect best practice across the country and to ensure that each child or young person at risk had an appropriate level of care and protection. She noted, however, that the guidelines were not yet enforceable in Australia.

56. **Ms. Sunderland** (Canada) said that her delegation was pleased to join the consensus on the draft resolution on the occasion of the twentieth anniversary of the Convention on the Rights of the Child. Having commended the work of all those who had helped to develop the guidelines, she recalled that they were a practical tool for States and should not become binding.

57. *Draft resolution A/C.3/64/L.50, as orally revised, was adopted without a vote.*

Agenda item 65: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/64/L.21/Rev.1)

Draft resolution A/C.3/64/L.21/Rev.1

58. **The Chairperson** noted that the draft resolution did not have any programme budget implications.

59. **Ms. Edblom** (Sweden) said that she was pleased to be presenting the draft resolution on behalf of the European Union, the Group of Latin American and Caribbean States and all the other sponsors, on the occasion of the twentieth anniversary of the Convention on the Rights of the Child. She noted that Burkina Faso, Canada, Egypt, Guinea, Lebanon, Lesotho, Maldives, Mali, Morocco, San Marino, Seychelles, Swaziland, Turkmenistan and Zimbabwe had joined the list of sponsors of the resolution. As a result of the support and collaborative spirit shown by all concerned, one of the Convention's principles, a child's right to be heard, was duly addressed in section III of the draft resolution, which contained a series of measures aiming to guarantee the exercise of that right. The draft resolution also highlighted the recent progress that had been made with regard to the protection and promotion of the rights of the child, something from which the Third Committee could draw inspiration for its work in the future, including during the forthcoming session of the General Assembly when it would be examining the implementation of the rights of the child during early childhood. Sweden hoped that the draft resolution would be adopted by consensus.

60. **Mr. Khane** (Secretary of the Committee) announced that Bangladesh, the Central African Republic, the Comoros, Equatorial Guinea, Guinea-Bissau, the Republic of Korea, the Russian Federation, Sri Lanka, Uganda and Vanuatu had joined the list of sponsors of the draft resolution.

61. **Mr. Sammis** (United States of America) spoke about the various steps that his country had taken relating to the issues addressed in the resolution, such as the adoption of a law in 2008 to protect victims of trafficking and one in 2009 on children's health insurance, as well as the creation of ombudsman offices in several States. He highlighted the important role of the United Nations Children's Fund (UNICEF), with which the United States worked closely, as well as with the Office of the High Commissioner for Refugees and the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to promote the rights of children. The rights of girls in particular warranted special attention. The United States had joined the consensus on the draft resolution, on the understanding that the text in no way implied that States must comply with instruments to which they were not a party, or that they should implement the obligations under those instruments. In that regard, his country would pursue its consultations on the provisions of the second preambular paragraph and paragraph 2 of the draft. On the occasion of the twentieth anniversary of the Convention on the Rights of the Child, the United States recalled that while it had not ratified that instrument, it was nonetheless a party to the Convention's Optional Protocols and was making every effort to ensure that the rights of children were fully realized.

62. *Draft resolution A/C.3/64/L.21/Rev.1 was adopted without a vote.*

63. **Ms. Halabi** (Syrian Arab Republic) welcomed the adoption of the draft resolution by consensus for the first time. She stressed that for her country, the section on children affected by armed conflict fully

applied to the situation of children suffering as a result of foreign occupation. As in the previous year, the Syrian Arab Republic reserved the right to interpret certain paragraphs in accordance with its own legislation.

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/64/L.38/Rev.1 and L.49)

Draft resolution A/C.3/64/L.38/Rev.1

64. **The Chairperson** noted that the draft resolution did not have any programme budget implications.

65. **Ms. Tvedt** (Norway) expressed the hope that the draft resolution, which had been the subject of many consultations, would be adopted by consensus. There had been an amendment to paragraph 9, with the phrase "so as to enable the Special Rapporteur to fulfil her/his mandate even more effectively" being added at the end. She noted that Belgium, Colombia, Ecuador, Israel, Liechtenstein, Nigeria, Thailand, Timor-Leste, Turkey and Ukraine had been added to the list of sponsors of the draft resolution.

66. **Mr. Khane** (Secretary of the Committee) announced that the Central African Republic, Equatorial Guinea, Georgia, Haiti, Mali, Malta and Senegal had been added to the list of sponsors of the resolution, as orally revised.

67. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) noted that if there had been a recorded vote on the draft resolution, his country would have abstained.

68. *Draft resolution A/C.3/64/L.38/Rev.1, as orally revised, was adopted without a vote.*

69. **Ms. Halabi** (Syrian Arab Republic) said that her country had joined the consensus on the draft resolution but regretted the fact that some of the sponsors had refused to include any reference to the worrying situation of human rights defenders in the Occupied Territories, even though they were exposed to grave dangers and were victims of atrocities. Acts committed against human rights defenders were a breach of international law. The Syrian Arab Republic considered that all paragraphs of the draft resolution applied to the situation of human rights defenders in the Occupied Territories.

70. In addition to conferring rights upon non-governmental organizations, the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms also imposed duties and responsibilities on them. With regard to article 20 of the Declaration, the Syrian Arab Republic considered that it reaffirmed the importance of the independence and sovereignty of peoples and the principle of non-interference in order to promote dialogue and respect for rights.

71. **Ms. Khvan** (Russian Federation) said that the Russian authorities attached the utmost importance to the actions of human rights defenders, whose contribution to social development was undeniable, and commended Norway for the constructive and transparent approach that it had adopted during the consultations on the draft resolution.

72. However, the fundamental position of the group of sponsors, who had refused to include a reference to the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council in the text, was, to say the least, a cause for confusion and regret. The Russian Federation trusted that it did not mean the sponsors had revised their position on that extremely important document.

73. The Russian Federation considered that the rights and obligations in the seventh preambular paragraph applied directly to individuals and civil society organizations working to defend human rights. As for the reference in the second preambular paragraph to all previous General Assembly resolutions on the subject, in particular resolution 62/152, her delegation interpreted that as a confirmation of States' vision and understanding of the content of the Declaration and it saw the draft resolution in that light.

74. The Russian Federation did not wish to call into question the consensus that had been reached after numerous lengthy consultations. However, in future the sponsors should act in a more objective manner, refrain from any wide-ranging or arbitrary interpretations and not attempt to impose their views about the content of the Declaration.

75. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) explained that the Venezuelan Office of the Ombudsman was part of the national authorities and worked closely with civil society. While her delegation had joined the consensus on the draft resolution, it did not believe that the text was balanced or faithful to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. A draft resolution referring to that Declaration should cover all violations of the rights of human rights defenders and aim to protect those rights in all circumstances. The Bolivarian Republic of Venezuela lamented the selective approach of the sponsors, who had strongly opposed the inclusion of examples of the violations suffered by human rights defenders in certain situations, particularly in cases of foreign occupation or domination, or when the democratic and constitutional order of a State had broken down.

76. The rights and responsibilities of civil society organizations, and non-governmental organizations in particular, should have been addressed in more detail. It was unfortunate that the sponsors had stubbornly refused to recognize the responsibilities of those groups, even though they were highlighted in article 18 of the Declaration. Since the work of all civil society actors in the area of human rights must be impartial, independent and without political motivations or special interests, the Bolivarian Republic of Venezuela stressed that non-governmental organizations should also be required to fulfil their rights and responsibilities towards the international community, because, in many countries, those organizations were used by foreign Governments to promote their own political interests and to destabilize the incumbent Government.

77. The provisions of the draft resolution would be implemented in accordance with Venezuelan legislation.

78. **Ms. Pérez Álvarez** (Cuba) said that her delegation had joined the consensus on the draft resolution but lamented the sponsors' refusal to include references to the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, which had however been adopted by consensus by the Council in its resolution 5/2 and endorsed by the General Assembly. Noting that a significant number of countries of the South had requested the inclusion of a reference to that Code of Conduct, she trusted that the draft resolution would include such a reference in the future.

Draft resolution A/C.3/64/L.49: Human rights and cultural diversity

79. **The Chairperson** announced that action on draft resolution A/C.3/64/L.49 would be postponed.

The meeting rose at 1 p.m.